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5 Attorneys for Objecting Party, FIRST NATIONAL BANK OF ARIZONA

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7 **UNITED STATES BANKRUPTCY COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA, SANTA ROSA DIVISION**

9 In re

10 MARTIN CENTENO,

11 Debtor.

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13 FIRST NATIONAL BANK OF ARIZONA,

14 Objecting Party,

15 vs.

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17 MARTIN CENTENO, Debtor; and DAVID
BURCHARD, Chapter 13 Trustee,

18 Respondents.
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Case No. 09-13796

(Chapter 13)

**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

341(a) Hearing Date:

Date: December 10, 2009

Time: 1:00 p.m.

Place: Santa Rosa US Trustee Office

Confirmation Hearing Date:

Date: January 11, 2010

Time: 1:30 p.m.

Place: Santa Rosa Courtroom

23 **TO THE HONORABLE ALAN JAROSLOVSKY, THE DEBTORS, CHAPTER 13**
24 **TRUSTEE AND ALL OTHER INTERESTED PARTIES:**

25 FIRST NATIONAL BANK OF ARIZONA, (hereinafter "Objecting Party"), hereby objects
26 to the confirmation of the Debtor's Chapter 13 Plan, inter alia, and requests dismissal of the above-
27 captioned Chapter 13 Bankruptcy on the following grounds:
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1 On November 11, 2009, MARTIN CENTENO (hereinafter referred to as "Debtor") filed a
2 Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court, Northern
3 District of California, Case No. 09-13796.

4 DAVID BURCHARD was appointed Trustee, has duly qualified, and is now acting in that
5 capacity.

6 On or about November 29, 2005, FIRST NATIONAL BANK OF ARIZONA, made a loan
7 in the amount of \$288,000.00 ("Loan") to Debtors. In exchange for the Loan, the Debtors executed
8 and delivered a note in the original principal amount of \$288,000.00 ("Note") to FIRST
9 NATIONAL BANK OF ARIZONA. As additional consideration, and as security for repayment of
10 the Loan, Debtors made, executed, and delivered to FIRST NATIONAL BANK OF ARIZONA, as
11 beneficiary, a Deed of Trust ("Deed") dated November 29, 2005. True and correct copies of the
12 Note and Deed are attached hereto as Exhibits "1" and "2" and are incorporated herein by reference.

13 The Deed encumbers the property commonly known **616 ALAMO AVENUE,**
14 **RICHMOND, CA 94806** ("Property").

15 Objecting Party alleges that rehabilitation through Chapter 13 is not feasible. Debtor's
16 proposed Plan fails to provide for repayment of pre-petition arrearages owed to Objecting Party.
17 Approximate pre-petition arrearages are \$6,930.00. Objecting Party objects to any Plan which fails
18 to provide for the repayment of the entire sum owed.

19 WHEREFORE, Objecting Party prays as follows:

- 20 1. That confirmation of the proposed Chapter 13 Plan be denied;
- 21 2. That the instant case be dismissed under 11 U.S.C. § 109(g) and/or with a
22 180-day bar to re-filing;
- 23 3. In the alternative, in the event confirmation is not denied, nor the case
24 dismissed, the Plan should be amended based upon inter alia the objections raised herein;
- 25 4. For attorney's fees and costs incurred herein; and
- 26 5. For such other relief as this Court deems proper.

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1 Dated: December 10, 2009

ALVARADO & ASSOCIATES, LLP

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3 By /s/John M. Sorich

4 John M. Sorich, Attorneys for Objecting Party, FIRST
5 NATIONAL BANK OF ARIZONA
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